

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

(1) PERRY MATLOCK.

Plaintiff,

v.

**(1) REDBIRD BUSINESS GROUP
LLC; and**

(2) REDBIRD VENTURES LLC.

Defendants.

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CASE NO. CIV-22-498-PRW

AFFIDAVIT OF ATTORNEYS' FEES

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

On this day, **Martin S. Schexnayder** appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said:

1. "My name is Martin S. Schexnayder. I am more than eighteen years of age and capable of making this affidavit and am fully competent to testify to the matters stated herein. I have personal knowledge of each of the matters stated herein, and all of such matters are true and correct.
2. I am a member of the State Bar of Texas and am licensed to practice in Texas. I am presently employed as a partner in the law firm of WINGET, SPADAFORA & SCHWARTZBERG, LLP. I am the lead counsel for **Perry Matlock**, Plaintiff in the above-styled cause.
3. I am familiar with the fees customarily charged by the practicing attorneys in Texas and surround jurisdictions, including the Western District of



Oklahoma. My hourly rate in this matter is \$325/hr. Associate time is billed at \$250/hr and paralegal time at \$150/hr. In my opinion, based upon my experience as a practicing attorney for over 30 years, these hourly rates are reasonable and in accordance with customary hourly rates for matters of the nature and complexity of this litigation. These hourly rates are in accordance with those customarily charged for the same or similar services for an attorney with my experience, reputation, ability, considering the amount in controversy, the time limitations imposed, the results obtained, and the nature and length of my relationship with the client.

4. To date, the legal fees incurred on behalf of Plaintiff in this matter total \$9,890.00. The fees incurred are broken down as follows:

Name	Hourly Rate	Hours	Total Fees
Martin S. Schexnayder, Partner	\$325.00	7.0	\$2,275.00
Brian C. Koeppen, Associate	\$250.00	29.80	\$7,450.00
Paralegal	\$150.00	1.1	\$165.00
Total		37.90	\$9,890.00

5. In my opinion, based upon my experience as a practicing attorney for over 30-years, the above total amount of fees incurred by my law firm to date, in connection with the work performed in this case are reasonable, necessary and in accordance with industry standards.
6. I anticipate that an additional \$5,000 in legal fees will be incurred in

reviewing and replying to Defendants' response to Plaintiff's Motion for Summary Judgment, if any, and attending and arguing such Motion at any hearing required by the Court. I also anticipate that, if such Motion is granted, additional reasonable and necessary legal fees and costs will be incurred by my law firm, as follows:

- i. \$10,000 for executing and collecting any judgment in favor of Plaintiff entered by this Court;
 - ii. \$15,000 for responding to any appeal filed by Defendants to the U.S. Court of Appeals; and
 - iii. \$15,000 for any appeal of this matter to the U.S. Supreme Court.
7. In my opinion, the foregoing additional fees and costs would be reasonable and necessary for the services rendered.
8. I have arrived at the foregoing amounts for reasonable and necessary attorneys' fees based on a consideration of all factors set forth in *Arthur Oliver's Sports Ctr., Inc. v. Nat'l Standard Ins. Co.*, 1980 OK 120, 615 P.2d 291, 293; *Enable Oklahoma Intrastate Transmission, LLC v. A 25 Foot Wide Easement*, CIV-15-1250-M, 2017 WL 3431857, at *2 (W.D. Okla. Aug. 9, 2017), *aff'd sub nom. Oklahoma Intrastate Transmission, LLC v. 25 Foot Wide Easement*, 908 F.3d 1241 (10th Cir. 2018)."

Further Affiant sayeth not.


Martin S. Schexnayder

SUBSCRIBED AND SWORN TO before me on this the 3rd day of November 2022.




Notary Public In and For The State of Texas